

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 8/11/04 Item

File Number
PDC04-017

Application Type
Planned Development Rezoning

Council District
4

Planning Area
Alum Rock

Assessor's Parcel Number(s)
254-29-012

PROJECT DESCRIPTION

Completed by: Mike Mena

Location: West side of North Capitol Avenue, opposite of Penitencia Creek Road

Gross Acreage: 9.3

Net Acreage: 7.76

Net Density: 26 DU/AC

Existing Zoning: Unincorporated County

Existing Use: Vacant/ Single-Family Residence

Proposed Zoning: A(PD) Planned Development and R-M Multi-Family

Proposed Use: Up to 113 Single-family attached units

GENERAL PLAN

Completed by: MM

Land Use/Transportation Diagram Designation
Transit Corridor Residential 20+ units per acre

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: MM

North: Single-Family Attached and Detached

A(PD) Planned Development Residential & Unincorporated County

East: Single-Family Attached and Detached

A(PD) Planned Development Residential & R-1-8

South: Vacant/ Penitencia Creek

Unincorporated County

West: Highway 680

Unincorporated County

ENVIRONMENTAL STATUS

Completed by: MM

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on August 23, 2004
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: MM

Annexation Title: McKee 126

Date: pending

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date:

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER	OWNER	CONTACT
Trumark Company Chris Davenport 4185 Blackhawk Plaza Circle #200 Danville, CA 94506	Yoneda Masato & Fusa Trustee Et Al 905 North Capitol Ave. San Jose, CA 95133	Sue Dillon McKay & Soms 1955 The Alameda San Jose, CA 95126

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: MM

Department of Public Works

Please see attached memorandum

Other Departments and Agencies

Please see attached memorandum from the Police Department, Fire Department, Environmental Services Department, Santa Clara Valley Water District, County of Santa Clara Environmental Resource Agency, Santa Clara Valley Transportation Agency, and the U.S. Fish and Wildlife Service

GENERAL CORRESPONDENCE

Please see attached letters from the Berryessa Citizens Advisory Council and the Santa Clara County Housing Action Coalition.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Trumark Companies, is requesting to prezone an unincorporated parcel 9.3 gross acre in size to a Planned Development Zoning District on a 5.1 acre portion of the site (Area A) and a R-M Multi-Family Residence District on a 4.2 acre (Area B) portion. Planning staff is additionally proposing the prezoning of an adjacent 0.46 acre parcel to R-M Multi-Family Residence District (Area C) as part of the pending and associated annexation application (see figure 1). The expanded boundary of the R-M Multi Family Residence District is necessary to comply with the Local Agency Formation Commission (LAFCO) policy to avoid the creation of an unincorporated “island”. Two additional properties within the boundaries of the associated annexation application do not require prezoning and will be auto-zoned A Agriculture upon annexation.

The site is bounded by a multi-family development and one single-family residence to the north; single-family attached and detached residences across North Capitol Avenue to the east; Penitencia Creek to the south, and Interstate 680 to the west. The multi-family development to the north has a density of 21.5 DU/AC and the development to the east has a density of 12.1 DU/AC. The property to the south of the project site is vacant unincorporated county land with a General Plan designation of Public Park/Open Space. Additionally, the adjacent property to the

north, occupied by one single-family residence, is also unincorporated county land with a General Plan designation of Medium High Density Residential (12-25 DU/AC). The subject site is located approximately 480 feet northerly of the Penitencia Creek Light Rail station and approximately 1,500 feet southerly of the Berryessa Hills Shopping Center.

Project Description

Although the “whole” project encompasses the annexation and rezoning of areas A, B and C described above, the specific project discussed below only pertains to area A.

Area A, proposed for a Planned Development Zoning, would allow for the development of up to 113 single-family attached (condominium) units on a 5.1 acre portion of the larger site. No development is currently proposed for areas B and C. Development standards included within the proposed zoning for Area A would allow buildings up to three stories (45 feet) in height and require 250 square feet of common open space per unit and 60 square feet of private open space per unit.

As depicted on the conceptual site plan, the project would have several characteristics typical of a Garden Townhouse development. Units would have front doors that face on to a pedestrian open space (paseos). In addition to the paseo areas, the proposed project includes a 14,580 square foot common open space/ private park. On site parking will be provided for each unit within an attached tandem or side-by-side garage. Additional guest parking will be located as on-street parking along two of the three proposed public streets that provide access from North Capitol Avenue.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration was circulated on August 23, 2004, which discussed the annexation of the subject property and adjacent properties to the north and south in addition to the specific development proposed which includes up to 113 single-family attached units. The Mitigated Negative Declaration addressed issues such as Noise, Traffic, Water Quality, Air Quality and Construction related impacts. With the implementation of the proposed mitigation measures, which include construction related mitigation for potential noise, urban runoff, air quality, and water quality impacts, the project will not have a significant impact on the environment.

GENERAL PLAN CONFORMANCE

The density of the proposed development, 26 DU/AC, exceeds the minimum density level of the Transit Corridor Residential (20+ DU/AC) designation and is in conformance with the General Plan. General Plan conformance is further discussed below in the Analysis section.

ANALYSIS

The primary issues analyzed for this project are conformance to the General Plan and conformance to the Residential Design Guidelines and consideration of the build out of the entire 9.3 gross acre site. Items addressed within the Guidelines include Unit Type, Site Design, Perimeter Setbacks, Private and Common Open Space, and Internal Setbacks and Building Separation.

General Plan

The subject property has a designation of Transit Corridor Residential (20+ DU/AC) and is located within the Capitol Avenue light rail corridor. Because of the varied character of development found along the transit corridors within the City, two types of residential development are identified under this designation: Urban Transit Corridor Residential and Suburban Transit Corridor Residential. The subject project site is located within the Capitol Avenue Transit Corridor, which can be characterized as a suburban oriented transit corridor. Densities under this category should generally be a minimum of 25 dwelling units or more per acre and built along a pedestrian pathway system with convenient links to the rail stations and nearby housing.

While the subject property is located along a Suburban Transit Corridor, larger sites can be designed at higher densities (average 40 DU/AC) and maintain a compatible edge to existing lower density neighborhoods. The subject site is within 500 feet of an existing light rail station and approximately 1,500 feet away from the Berryessa Hills Shopping Center. Because the “whole” property is relatively large in size (9.3 gross acres) it is a prime location to increase housing opportunities. In determining an appropriate density for the subject property, staff evaluated the opportunity to achieve a high-density project on the easterly portion of the property, not currently planned for a specific development.

Given that there is sufficient opportunity to develop very high-density projects on the subject site and the City’s goal to provide higher densities along the North Capitol Avenue, staff recommends that the Commission provide direction that any future development should consider the combining of areas B and C and require develop so that a minimum average density of 40 DU/AC over the greater site (Area A, B & C) would occur. Although the current development standards for the R-M Multi Family Residence District preclude densities above 25 units to the acre; planning staff is currently working on modifications to Title 20 which would allow higher densities with a development permit. Should a project be proposed prior to the modifications to the R-M Multi-Family Residence District, a rezoning to Planned Development Zoning District would be required to achieve this higher density.

The prezoneing of the adjacent Lands of Chelstowski (Area C) to R-M Multi-Family would be consistent with the General Plan Land Use Designation of Medium High Density Residential (12-25 DU/AC). No development is proposed on this property. As indicated above, this property is required to be annexed into the City of San Jose in conformance with LAFCO policies and therefore requires the prezoneing of the property consistent with the General Plan Land Use Designation.

Residential Design Guidelines

The below discussion is pertinent only to the Trumark development planned for Area A.

Unit Type

The proposed project for phase one, is a hybrid of two development types identified in the Residential Design Guidelines, “Garden Townhouse” and “Cluster Housing”. As proposed in this project, Garden Townhouses are designed with front door access from a paseo at the front of the unit and a garage for each unit accessed from an alley at the rear of the unit. Garden Townhouse development, however, typically has a density range of 8-16 DU/AC. Because the project was designed to achieve a higher density of 26 DU/AC, buildings are placed more closely together, with lesser amounts of private open space. As a result the proposed project also has characteristics consistent with a Cluster Housing development, which typically has a density of 16 to 35 DU/AC.

Perimeter Setbacks

The Residential Design Guidelines provide appropriate setbacks for new development with respect to adjacent streets and adjacent uses. Per the Residential Design Guidelines, the minimum setback for a three-story unit from a major public street is 35 feet, from a minor residential street is 35 feet, and setbacks from adjacent residential uses should match setbacks of existing similar structure or use, provided such setbacks do not exceed the range of common practice.

The proposed zoning provides a 15-foot setback from the proposed new minor streets accessed from Capitol Avenue. This setback is approximately 20 feet short of the Residential Design Guidelines. The proposed setback from the adjacent multi-family residential uses to the north of the subject property is a minimum of ten feet, which is significantly more than the setback provided by the apartments to the north that have covered parking located on the property line. The setback to the southerly property line is a minimum of three feet, which is not consistent with the Residential Design Guidelines standards. However, the use directly adjacent to the southerly property line of the subject site by the Santa Clara Valley Water District is a detention basin and flood mitigation area for Penitencia Creek in the case of a 100-year flood and will be precluded from any future development. Therefore, the reduced setback would not pose a detriment to any potential future development on the adjacent site to the south.

In order for the proposed zoning to reach a desirable density, a reduction in the perimeter setbacks was considered necessary. The reduced setbacks are consistent with development along North Capitol Avenue as a result of the street widening in order to accommodate the new Light Rail Line. Although the project proposes setbacks that do not conform to the requirements of the Residential Design Guidelines, staff’s analysis has determined that in the context of this development the setbacks are acceptable.

Internal Setbacks and Building Separation

The Residential Design Guidelines include the same standards for setbacks and building separations for Garden Townhouse and Cluster Housing developments. These standards have been incorporated into the project Development Standards as follows:

- ? *“Front and side setbacks from drives and entry drives should be a minimum of 10 feet; setbacks from parking should be 20 feet.”* As depicted on the conceptual site plan, units would have an entry oriented toward the new public right-of-way with generally a 10-15 foot setback to the edge of curb/parking area. Because parking is provided through the equivalent of on-street parking, the units in these situations essentially have a 10-foot front setback facing a minor residential street condition. Given the higher density of project and the amount of common open space otherwise provided, this is an appropriate interface for these units.
- ? *“Rear setbacks of buildings, including for garage faces, from drives may be 0 feet, provided that there is at least one 9 net square-foot planter area containing a tree or large shrub located between the drive and each unit.”* The Zoning would conform to this standard. The proposed project would include a four-foot setback between garage and driveway and at least one planter, four feet by three feet in dimension, will be provided for each unit.
- ? *Building Separations.* The Guidelines specify minimum building separations based upon front, rear and side orientations. The Guidelines establish a minimum 30-foot separation where two units front toward each other. The proposed Zoning does not meet this standard in that it would provide only a minimum 18-foot front-to-front separation. In some areas of the project, this paseo may have a greater dimension, but would generally not be much greater than 18 feet. The minimum separation requirement is intended to provide adequate common open space area and to allow sufficient light and air movement between buildings. It also typically is used to provide the private open space for each unit in a Townhouse type project. As noted above, however, the proposed project would include extra common open space and other extra amenities (i.e., on-site park) to compensate for the substandard building separation (paseo) dimension.

Parking

The Residential Design Guidelines establish design standards to ensure that development projects provide sufficient parking that is adequately distributed throughout the site and in convenient proximity to the units it serves. The design standards for the herein development would require two covered spaces per unit plus an additional off-lot parking space within 150 feet of each unit. The project, as proposed, would providing two covered parking spaces for each unit in attached/private tandem and side-by-side garages. Guest parking will be accommodated by on-street parallel parking conveniently located in close proximity to the paseo areas that lead to the individual units, consistent with the Residential Design Guidelines.

Private and Common Open Space

Because the project density is more consistent with the Cluster Housing development type density, it does not meet the Garden Townhouse standard for private open space established in the Residential Design Guidelines. The project would however have significantly more common open space than required for a Garden Townhouse project and would even exceed the higher Cluster Housing standard for common open space, while meeting the Cluster Housing standard for private open space.

In the Residential Design Guidelines, Garden Townhouses are required to have 150 square feet of common open space per unit and Cluster Housing projects are required to have 200 square feet of common open space per unit. The proposed Zoning would provide at least 250 square feet of common open space per unit. As depicted on the conceptual site plan, the common open space areas are anticipated to consist of a 14,580 square foot private park and approximately 13,800 square feet of paseo area for a total area of approximately 28,380 square feet. The project would exceed the minimum square footage requirements set in the Guidelines and should result in the development of useful common open space areas appropriate to the type of development.

The proposed Zoning would provide at least 60 square feet of private open space for each unit. As depicted on the conceptual floor plans, each unit is currently provided with a private porch that varies in size depending upon the unit type and do not currently meet the minimum 60 square foot of private open space as required per the RDG. The project will be designed to insure that each unit includes a minimum of 60 square feet of private open space at the Planned Development Permit stage.

CONCLUSION

While the project does not fully meet some of the applicable Guideline standards for setbacks and building separations, it does propose a of high-quality common open space area in excess of the standards. Overall, the project represents an effective compromise between the developer's desire to provide single-family units, the City's goal of achieving higher-density and the need to provide a pleasant living environment for future residents provided that direction be incorporated into the subject zoning that a minimum density of 40 dwelling units to the acre is developed over the greater 9.3 gross acre site. Additionally, as discuss previously, staff recommends the inclusion/expansion of the proposed rezoning of R-M Multi-Family to the adjacent Lands of Chelstowski in conformance with LAFCO requirements and the City's effort to diminish pockets of unincorporated lands within the City of San Jose boundaries.

PUBLIC OUTREACH

Notices of a Draft Mitigated Negative Declaration and a public hearing were distributed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City web site. Staff has been available to discuss the project with members of the public.

Staff has received two letters regarding the subject project. The first, from the Berryessa Citizens Advisory Council, opposing the project due to concerns regarding the development of only a portion of the site without knowing what or how development will occur on the remaining piece, traffic generated from the proposed housing and how it will relate to a development on the remain parcel and the ability to provide a sufficient amount of open space for the future residence.

The second letter, from the Santa Clara County Housing Action Coalition, was written in support of the project and highlights that the project will promote use of the nearby light rail line (Capitol Avenue), diminish congestion on the City's streets, and provide much needed housing for entry-level buyers.

In response to the concerns noted by the Berryessa Citizens Advisory Council, staff has worked with the applicant to ensure that a future development on the remaining portion of the site would be compatible with the pending development in regards to design and vehicle circulation. Additionally, any future project would need to meet the minimum development standards stipulated in the City's Zoning Ordinance and the Residential Design Guidelines in respect to parking, setbacks and open space.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the subject rezoning to Planned Development Zoning District on 5.1 acres (Area A), and the staff recommended expansion of the R-M Multi-Family Residence District on a total of 4.96 acres (Area B & C) for the following reasons:

1. The proposed Planned Development Zoning is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Transit Corridor Residential (20 + DU/AC)
2. The proposed R-M Multi Family Residence District is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Transit Corridor Residential (20 + DU/AC) (Area B) and Medium High Density Residential (12-25 DU/AC) (Area C).
3. The proposed Planned Development Zoning generally conforms to the Residential Design Guidelines.
4. The Planned Development Zoning would further the goal and objectives of the City's infill housing strategy and will promote transit usage.
5. The proposed Planned Development Zoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments